

Enver Solomon reviews recent developments in criminal justice.

Criminal justice review

In July the Home Office published its wide-ranging review of criminal justice instigated by John Reid when he took over as Home Secretary earlier in the year. In his foreword Prime Minister Tony Blair said there was a need to build a criminal justice system “which puts the protection of the law-abiding majority at its heart”. The document takes this as its title and sets out numerous proposals, some of which had already been announced, to reshape the criminal justice system. Many of the proposals require consultation and possible legislative change and so may not lead to reform for considerable time. Some of the most significant proposals include:

Victims – Once again the report repeats what has become a Home Office mantra, “the needs of victims must be at the heart of what the criminal justice system does”. It proposes further reforms to achieve this that include ensuring parole board members considering cases of serious violent or sexual offenders have an understanding or experience of being a victim. A ‘victim’s voice’ will be introduced in the most serious cases heard. Prosecutors are also expected to follow a new pledge to “take into account and protect the interests of victims”.

Sentencing – The Home Office intends to change the way the Sentencing Guidelines Council works. Significantly, the process will be reformed so that the Home Secretary and relevant criminal justice ministers are the last to advise on guidelines and not the House of Commons Home Affairs committee on behalf of Parliament. Furthermore following the furore around the case of Craig Sweeney, who abducted and sexually assaulted a three year old girl in January this year, the review states that the government will act to ensure that the one-third discount given for an early guilty plea will be at the judge’s discretion and no longer an automatic requirement. There will also no longer be a requirement for unlimited sentences that the judge should set the earliest release date at the half way term as set out in the *2003 Criminal Justice Act*.

Enforcement – The review makes it clear that the Home Office wants to do much more to ensure that offenders comply with their sentences. To this end it sets out plans to introduce an integrated enforcement service nationally by 2007/8. New powers are planned to ensure that courts operate to “a new presumption that offenders who breach bail and offend while on bail will be remanded in custody”. The Home Office also wants to introduce a target for the time by which an offender who breaches their licence conditions is returned to custody. And it wants to consult on giving probation officers power to vary the nature of the sentence depending on an offender’s behaviour without having to return to court.

Summary justice – A few days after the criminal justice review was published the Department of Constitutional Affairs brought out a complementary report entitled *Delivering Simple, Speedy, Summary Justice*. It provided more detail on plans set out in the criminal justice review to radically improve “the speed and effectiveness” of the magistrates’ courts and Crown Court. Proposals include piloting the concept of ‘next day’ justice designed to bring specific categories of offenders before the courts within 24-72 hours. There are also plans to expand the number of community courts in England and extend conditional cautioning, which is being rolled out nationally for adults, to under eighteen year olds.

Violent crime – Following a number of high profile cases concerning violent offences, it is not surprising that the review includes a number of proposals in this area. The maximum penalty for carrying a knife without good reason is to be increased to four years. Violent Offender Orders are to be introduced to provide the courts with further powers to manage violent offenders on licence in the community with the possibility of up to five years imprisonment for breach of conditions. The rules for parole decisions are also to be changed so that a decision to release an offender must be made unanimously.

Overall the proposals, in particular harsher sanctions for violent offences and a toughening up in enforcement action, are likely to lead to an increase in the prison population. The Home Office recognises this and plans to build a further 8,000 prison places and “keep under close review whether more are needed”. There is little doubt that the prison population will get close to reaching 100,000 in the next decade.

For a full copy of the report see; <http://www.homeoffice.gov.uk/documents/CJS-review.pdf?view=Binary>

Criminal statistics and criminal justice policy research

A review of crime statistics has been published by the Statistics Commission calling for responsibility and publication of crime figures to be at ‘arm’s length’ from Home Office policymakers, and for the British Crime Survey to be moved to the Office for National Statistics. The report, *Crime Statistics: User Perspectives* says that the Commission does “not believe trust can be built up while ... ministers, advisers and senior officials are directly involved both in publishing the figures and in setting out the government’s position”.

The report comes at a time when there is a ‘temporary pause’ in the publication of Home Office research reports. The pause has been explained by the Home Office as part of the Home Secretary’s wide-ranging review of the department. However, in the Home Office’s Action Plan published in July there was not a clear indication of what John Reid plans for research on criminal justice policy. The action plan simply stated:

“We will streamline the statistics we publish and focus our research and analytical resources on producing timely and accurate information for our policy teams and operations. We will also ensure that these resources are properly embedded in the areas they serve”.

For a full copy of the Statistics Commission report see http://www.statscom.org.uk/media_pdfs/reports/Crime_Statistics_Review-final.pdf

Details of the Home Office Action Plan are available at <http://www.homeoffice.gov.uk/documents/reform-action-plan.pdf>